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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,436

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Mark R. Nelson

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EXAMINER

SOL, ANTHONY M

ART UNIT

PAPER NUMBER

2619

NOTIFICATION DATE

DELIVERY MODE

02/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/621,436

Applicant(s)

NELSON ET AL.

Examiner

Anthony Sol

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

- Applicant's Amendment filed 11/19//2007 is acknowledged.
- Claims 1, 9, and 15 have been amended.
- Claims 1-15 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,923,736 ("Shachar") in view of U.S. Patent No. 6,584,096 B1 ("Allan").

Regarding claims 1, 9, and 15,

Shachar shows in fig. 1 a network interface 120, 160 operable to couple the telephone 100 to the communications network, a handset (see col. 8, lines 27-29) operable to provide oral communication by a user of the telephone using the network interface, a memory 150 operable to store communication software and content for delivery to the client using the network interface, the content associated with the operation of the telephone, and a processor 11 coupled to the memory and operable to execute the communication software to enable the telephone (see col. 8, lines 53-67) to

receive a request from the client *browser* (see col. 9, line 3) for the content "*home page*" stored in the memory (col. 6, lines 1-15, *These resident hypertext documents include a "home page" for the telephone/terminal device*), transmit the content from the telephone in response to the request (col. lines 11-13, *in which the system-level layer parts are **responsible of retrieval** and handling of hypertext-based documents*; see also col. 10, lines 25-28), the content transmitted in a format for presentation in a graphical user interface on the client (col. 6, lines 24-26, *the present inventive technique uses hyperlinked hypertext documents as the basis of a **GUI***), receive a request from the client to execute a telephone-related option selected by the user of the client in the graphical user interface and execute the requested telephone-related option (col. 6, lines 3-9, *These resident hypertext documents include a "home page" for the telephone/terminal device, and as many other resident documents as are necessary to **provide user access to essential functions, such as setup and configuration, and control over voice and data communications functions (dialing, caller-ID, speakerphone functions, network access, etc.)***).

In addition for claim 9, Shachar discloses that the invention is directed to using HTML and TCP/IP (Internet "World Wide Web" compatible interpreter and protocols) to provide seamless access to Internet-hosted hypertext documents in a device (see Abstract).

Shachar does not disclose that the client is connected to the telephone via the network interface.

Allan shows in fig. 1 a home network device 14 which can be an Internet telephone that acts as a server (col. 8, lines 3-4, *Telephones or other like devices may be used as the **server application devices***; col. 8, line 21, ***Internet Telephone***; col. 4, lines 45-46, *The port 16 is only selected by the device 14 if it is attaching as a **server***; col. 5, lines 35-42, *There are, however, many **server type applications, such as IP telephony**, in which more than one end system in the home may be interested in implementing the application. A **server application is something like telephony, e-mail or web page hosting** in which the combination of an IP address and a "well known port number" serves as the traditional point of contact **to serve the outside world***; col. 7, lines 3-4, *A telephone, a facsimile machine or other like device may be used a [sic] the **server application device***; col. 8, lines 22-37, ***IP telephony***).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the HTML telephone apparatus of Shachar to provide capability to be a server accessible via the network interface as taught by Allan. One skilled in the art would have been motivated to make the combination in order to be able to use the digital answering machine 106, fax service 107, or other services 108 remotely since it already serves as a local internal server (Shachar, col. 13, lines 55-62). Note that Shachar also suggests a remote server capability of his telephone with his teaching of playing locally available "tune" from a remote location (Shachar, col. 14, lines 53-61, in particular see lines 53-61, *Note that even remote hypertext documents may include a hyperlink to a local resource within an instance of HTOS. One example is a hyperlinked request by the remote document to "play a locally available tune"*).

3. Regarding claim 2,

Shachar discloses that by way of further example, a dial-up connection to a data communication network operating in conjunction with a packet-voice capability can be used to provide voice and data communications (col. 8, lines 36-41).

4. Regarding claim 3,

Shachar discloses that the invention is directed to using HTML and TCP/IP (Internet "World Wide Web" compatible interpreter and protocols)(see abstract).

5. Regarding claim 4,

Shachar discloses LAN such as Ethernet networks (col. 1, lines 21-23).

6. Regarding claim 5,

Shachar discloses a speaker and a microphone (col. 8, lines 20-22).

7. Regarding claim 6,

Shachar discloses that these resident hypertext documents include a "home page" for the telephone/terminal device stored within its memory (col. 6, lines 1-15, col. 10, lines 25-28).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar in view of Allan, and further in view of U.S. Patent No. 6,430,174 ("Jennings").

Regarding claims 7, 8, and 10-14,

Shachar shows in fig. 2 HTTP client. Shachar discloses that the resident hypertext documents stored within the memory of the device control user interface to essential functions such as setup and configuration, dialing, data access, etc. (abstract). Shachar further discloses that the invention is capable of communicating with an infrastructure such as the Internet, using the widely-known HTTP protocol to transfer HTML files (col. 12, lines 43-55).

Shachar in combination with Allan does not disclose that the functions can be remotely executed and configured.

Jennings discloses that the communication system may be accessed by a computer coupled via the Internet and the computer may have a browser that supports communications transferred in the HTTP protocol using HTML or HDML languages (col. 8, lines 51 to col. 9, lines 5, in particular, col. 8, lines 51-58 and col. 9, lines 2-5).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify IP telephone of Shachar and Allan to provide capability to remotely execute and configure functions utilizing HTTP protocol and HTML language as taught by Jennings. One skilled in the art would have been motivated to make the combination to give the user flexibility in utilizing a computer-based access to the IP telephone functionalities.

Response to Arguments

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


2/1/08
WING CHAN
SUPERVISORY PATENT EXAMINER

AMS

1/30/2008